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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
 ORACLE AMERICA, INC., a Delaware
 corporation; and ORACLE INTERNATIONAL
 CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
 SETH RAVIN, an individual,

Defendants.

Case No 2:10-cv-0106-LRH-PAL

**ORACLE'S MOTION TO SEAL
 PORTIONS OF DECLARATIONS OF
 THOMAS S. HIXSON AND KIERAN
 O. RINGGENBERG IN SUPPORT OF
 ORACLE'S MOTION FOR LEAVE
 TO SUPPLEMENT ITS MOTION FOR
 COSTS AND ATTORNEYS' FEES
 AND ACCOMPANYING EXHIBITS**

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010, Dkt. 55 (“Protective Order”), and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corporation (collectively “Oracle”) respectfully request that the Court order the Clerk of the Court to file under seal portions of the Declarations of Thomas S. Hixson (“Hixson Declaration”) and Kieran O. Ringgenberg (“Ringgenberg Declaration”) In Support of Oracle’s Motion for Leave to Supplement Its Motion for Costs and Attorneys’ Fees and their accompanying exhibits. These documents reflect information that Oracle has designated “Confidential” or “Highly Confidential - Attorneys’ Eyes Only” under the Protective Order. These documents have been redacted from the public filing, *see* Dkts. 970-71, and an unredacted version of each was subsequently filed under seal with the Court, *see* Dkts. 972-73.

Oracle has designated Exhibits 2-3 to the Hixson Declaration, Exhibits 3-6 to the Ringgenberg Declaration, and portions of those declarations as Confidential. The “Confidential” designation indicates that, in Oracle’s best judgment, the documents contains “non-public information or matter related to: financial or business plans or projections; . . . current or future business and marketing information, plans, and strategies; studies or analyses by internal or outside experts; customer information, data or lists; . . . competitive analyses; . . . or other commercially or personally sensitive or proprietary information.” Protective Order, ¶ 3. In particular, Exhibit 2-3 to the Hixson Declaration, Exhibits 3-6 to the Ringgenberg Declaration, and the declarations themselves contain confidential competitive information of negotiated billing rates between Oracle and its attorneys, experts and other vendors, and sensitive, case-specific pricing information. Further, the documents reveal the details of Oracle’s relationships with these companies and the terms of their agreements, which are also negotiated. These negotiated billing rates and agreement terms are commercially sensitive and should not be publically disclosed insofar as any such disclosure would create a competitive disadvantage. *Apple Inc. v. Samsung Electronics Co., Ltd.*, 727 F.3d 1214, 1221 (Fed. Cir. 2013) (“One factor that weighs in favor of sealing documents is when the release of the documents will cause competitive harm to a business.”).

1 Disclosure of this confidential information could interfere with Oracle's current or future
2 business relationships or plans. Thus, there is a compelling interest for this information to be
3 sealed.

4 Oracle has submitted the remainder of the Hixson and Ringgenberg Declarations and
5 their supporting exhibits to the Court's public files, which allows public access to all materials
6 except for the items discussed above. Accordingly, the request to seal is narrowly tailored. For
7 the foregoing reasons, Oracle respectfully requests that the Court grant leave to file under seal
8 the documents discussed above.

9
10 DATED: January 6, 2016

MORGAN, LEWIS & BOCKIUS LLP

11 By: /s/ Thomas S. Hixson
12 Thomas S. Hixson
13 Attorneys for Plaintiffs
14 Oracle USA, Inc.,
Oracle America, Inc.,
and Oracle International Corp.

CERTIFICATE OF SERVICE

I certify that on January 6, 2016, I electronically transmitted the foregoing **ORACLE'S MOTION TO SEAL PORTIONS OF DECLARATIONS OF THOMAS S. HIXSON AND KIERAN O. RINGGENBERG IN SUPPORT OF ORACLE'S MOTION FOR LEAVE TO SUPPLEMENT ITS MOTION FOR COSTS AND ATTORNEYS' FEES AND ACCOMPANYING EXHIBITS** to the Clerk's Office using the Electronic Filing System pursuant to Special Order No. 109.

Dated: January 6, 2016

Morgan, Lewis & Bockius LLP

By: /s/ Thomas Hixson
Thomas Hixson

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Oracle USA, Inc.,
Oracle America, Inc. and
Oracle International Corporation